

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IES UTILITIES	DOCKET NO. E-21427
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**ORDER GRANTING EXTENSION OF FRANCHISE**

(Issued January 20, 2000)

On February 1, 1999, IES Utilities (IES) filed a Petition for Extension of Franchise for 0.45 miles of 69 kV line in Des Moines County, Iowa, which was docketed in Docket No. E-21427. The petition sought an extension of franchise that included the following 0.15 and 0.30-mile segments. The franchise for 0.30-miles of 69 kV electric transmission line was located just north of the Burlington City limits in Des Moines County, Iowa. The franchise for this line segment is an extension of franchise granted on January 6, 1996. The 0.15-mile segment is a 69 kV line, which was previously franchised in Docket No. E-16885 on December 5, 1972. The two line segments are contiguous. IES sought the joint extension so that instead of two franchises, the expiring franchise for the 0.15-mile segment would be added to the franchise for the adjacent 0.30-mile segment, and the entire 0.45-mile line would be covered by one franchise. Notice of this petition was published in the Burlington Hawk Eye newspaper on March 18 and 25, 1999.

On April 7, 1999, a letter was received from Mr. Richard L. Beames, 10962 Mill Dam Road, Burlington, Iowa, expressing concerns over an electric line near

Burlington. Because the letter did not include a docket number or mention the notice, it was not initially recognized as related to this docket.

On April 12, 1999, Mr. Beames spoke by telephone with Mr. Dennis Hockmuth of the Board's Safety and Engineering Section. He indicated that his letter had been in response to the notice published in the newspaper, which stated that objections to the franchise extension could be filed. On May 5, 1999, the Board received a second letter from Mr. Beames, clearly identifying the docket and alleging a safety problem with the line.

On May 17, 1999, the Board issued an order assigning Docket No. E-21427 to a presiding officer pursuant to IOWA CODE § 478.6 (1999) because an objection had been filed and a hearing was required.

On June 4, 1999, IES filed substantial revisions to its petition. The new (and current) petition sought extension of franchise for only the 0.15 mile of line with the expiring franchise, and deleted the 0.30 mile segment. The deleted 0.30-mile segment included the area that was the subject of Mr. Beames' objection.

Mr. Beames was advised by letter from staff dated September 30, 1999, of the amendments to the petition; that it now appeared no hearing would be held since the line section, which his objection addressed, was no longer part of the docket; and that new notice would be published. He was also advised that Board staff would pursue his safety concerns outside of the docket.

Notice of the amended petition was published in the Burlington Hawk Eye on October 22 and 29, 1999. No objections have been filed based on that notice.

In its petition, IES states that it does not request authority to construct any new transmission lines, but only to extend Franchise No. 13541 for transmission lines that have been previously constructed and are presently being operated and maintained. Franchise No. 13541 was granted on December 5, 1972, in Docket No. E-16885. IES further states that all easements required for the line have been obtained.

#### **FINDINGS OF FACT**

1. No objections to the petition have been filed as provided for by IOWA CODE Chapter 478 (1999).
2. Notice of the petition was published as required by IOWA CODE Chapter 478 (1999).
3. IES has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to IOWA CODE § 478.4 (1999).
4. The transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999).
5. The transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999).

6. The transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of IOWA CODE Chapter 478 (1999).

7. IES has not requested it be vested with the right of eminent domain.

8. The transmission line is near and parallel to a railroad right of way or along division lines of land, wherever practicable and reasonable, and so as not to unnecessarily interfere with the use of land by the occupants consistent with IOWA CODE § 478.18 (1999).

### **CONCLUSIONS OF LAW**

1. No objections have been filed, no hearing is required, and therefore the Order assigning the case to a presiding officer should be rescinded. IOWA CODE § 478.6 (1999).

2. The Utilities Board has jurisdiction of the parties and subject matter pursuant to IOWA CODE Chapter 478 (1999).

3. The Utilities Board has authority pursuant to IOWA CODE Chapter 478 (1999) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. IOWA CODE § 478.1 (1999). IES has met the requirements of IOWA CODE Chapter 478 (1999) and IOWA ADMIN. CODE 199-Chapter 11 (2000) and a franchise should be issued to IES ~~to~~ for the transmission line described in the petition.

**IT IS THEREFORE ORDERED:**

1. The Order assigning Docket No. E-21427 to a presiding officer is hereby rescinded.
2. The petition is granted and a franchise will be issued to IES Utilities to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise, identified as Franchise No. 17362, attached to this order and incorporated by this reference.
3. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to IOWA CODE Chapter 478 (1999), and may at any time during the period of the franchise make such further orders as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.      /s/ Diane Munns  
Executive Secretary

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of January, 2000.

## **FRANCHISE NO. 17362**

On February 1, 1999, IES Utilities (IES) filed a petition, identified as Docket No. E-214217, with the Utilities Board for a franchise to erect, maintain, and operate .15 miles of 72,500-volt maximum voltage electric transmission line in Des Moines County for the transmission, distribution, use, and sale of electric current for lighting, power, and heating purposes pursuant to IOWA CODE Chapter 478 (1999). The franchise sought would constitute an extension of Franchise No. 13541, previously granted on December 5, 1972, in Docket No. E-16885, pursuant to IOWA CODE § 478.13.

Upon notice in accordance with IOWA CODE Chapter 478 (1999), the Board found the petition should be granted and a franchise issued to IES.

Pursuant to the order of the Board and IOWA CODE Chapter 478 (1999), this franchise is issued and permission and authority are granted to IES to erect, maintain, and operate a transmission line on routing specifically described for the transmission, distribution, use, and sale of electric current outside cities and town and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation and to acquire necessary interest in real estate for such purposes on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this franchise.

This franchise is granted for a period of 25 years from the date of issuance unless revoked, modified, or terminated pursuant to IOWA CODE Chapter 478 (1999). This franchise shall be subject to and governed by all provisions, conditions, and requirements of IOWA CODE Chapter 478 (1999) and by all provisions, conditions, and requirements of the Utilities Board, as may be applicable.

The use of the right of eminent domain is not necessary and, therefore, not included by the Board in its order granting this franchise.

It is provided and understood this franchise is granted subject to the provisions of IOWA CODE § 319.5 (1999).

It is further provided and is a condition of this franchise that the Board retain jurisdiction and may at any time during the period of this franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms  
Chairman

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of January, 2000.